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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,356	04/14/2000	Girish V. Prabhu	79556PRC	8811

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PATENT LEGAL STAFF
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EXAMINER

JERABEK, KELLY L

ART UNIT	PAPER NUMBER
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2612

11

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,356

Applicant(s)

PRABHU ET AL.

Examiner

Kelly L. Jerabek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5and6</u> . (not mailed last Office Action) | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 42-65 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 42-43, 45, 48-50, 53-54, 56, and 59-61 rejected under 35 U.S.C. 102(b) as being anticipated by Kare et al. US 5,541,656.

Re claim 42, Kare discloses in figure 9A a digital camera (100) coupled to a host computer (110) via a communication link. Customization software that provides a simulation of the graphical user interface of the digital camera (100) on a display device (120) separate from the camera (100) is executed external to the camera (100) (col. 3,

lines 29-47). In response to input from a user, the simulation of the graphical user interface of the remote computer (110) is modified to customize the graphical user interface of digital camera for the particular user (col. 3, lines 36-47; col. 10, lines 34-64). In addition, firmware is configured to provide the customized graphical user interface and the configured firmware is stored in the digital camera to customize the user interface of the camera (col. 11, lines 1-31).

Re claim 43, the customization software is provided on a computer program product (col. 3, lines 29-39).

Re claim 45, the simulation of the graphical user interface is provided using a host computer (fig. 9A: 110) (col. 10, lines 59-67).

Re claim 48, the configured firmware downloaded to the camera (100) from the remote computer (110) is executed by a camera processor to control the operation of the digital camera (col. 10, lines 34-58).

Re claim 49, the digital camera (100) includes a graphical user interface that is configured according to the method of claim 42 (col. 3, lines 40-47).

Re claim 50, a computer program product having the customization software for performing the method of claim 42 is provided (col. 3, lines 29-39).

Re claim 53, Kare discloses in figure 9A a digital camera (100) coupled to a host computer (110) via a communication link. Customization software that provides a simulation of the graphical user interface of the digital camera (100) on a display device (120) separate from the camera (100) is executed external to the camera (100) (col. 3, lines 29-47). The host software manipulates the data files and images of the camera (100) via a keyboard (130) (col. 3, lines 36-39). Furthermore, the host computer has control over all of the operations of the camera including any function of the camera graphical user interface (col. 10, lines 65-67). In response to input from a user, the simulation of the graphical user interface of the remote computer (110) is modified to customize the graphical user interface of digital camera for the particular user by allowing the user to select a desired camera feature from a list of available camera features (col. 3, lines 36-47; col. 10, lines 34-64). In addition, firmware is configured to provide the customized graphical user interface and the configured firmware is stored in the digital camera to customize the user interface of the camera (col. 11, lines 1-31).

Re claim 54, see claim 43.

Re claim 56, see claim 45.

Re claim 59, see claim 48.

Re claim 60, see claim 49.

Re claim 61, see claim 50.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-52, and 62-63 rejected under 35 U.S.C. 103(a) as being unpatentable over Kare as applied to claims 42 and 53 in view of Steinberg et al. US 6,006,039.

Re claims 51 and 62, Kare discloses all of the limitations according to claims 42 and 53 above; however Kare fails to state that at least one of the camera features selected by the user includes monochrome effects, sepia effects, or special effects filters.

Steinberg discloses in figure 1 two digital cameras (10,12) capable of storing firmware components in a programmable memory of the digital camera. Customization

software that can access a plurality of firmware components and provide a variety of different camera features is provided on an external device such as a PC (14) (col. 4, lines 16-31). A user can enter configuration data into the PC (14) in order to select a variety of camera features to cause the customization software to access the corresponding firmware components for the desired camera features (col. 4, lines 32-36). Steinberg states that imaging tools (110), geometric tools (111) and image filters (113) are downloaded from the PC if the user selects them (col. 6, lines 53-59).

Providing customization software to a digital camera via an external device capable of changing camera features such as image filters is well known and used in the art as shown by Steinberg. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of customizing a camera using software that is capable of changing camera features such as image filters, imaging tools, or geometric tools as taught in Steinberg in the digital camera coupled to a host computer as disclosed by Kare. Doing so would provide a means for customizing the user interface of a digital camera and entering graphics and text data to a camera through external means (col. 1, lines 65-67).

Re claims 52 and 63, Kare discloses all of the limitations according to claims 42 and 53 above, however Kare fails to state that at least one of the camera features selected by the user includes tone, color, or sharpness adjustments.

Steinberg discloses in figure 1 two digital cameras (10,12) capable of storing firmware components in a programmable memory of the digital camera. Customization

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software that can access a plurality of firmware components and provide a variety of different camera features is provided on an external device such as a PC (14) (col. 4, lines 16-31). A user can enter configuration data into the PC (14) in order to select a variety of camera features to cause the customization software to access the corresponding firmware components for the desired camera features (col. 4, lines 32-36). Steinberg states that tone or color adjustments or sharpness adjustments are downloaded from the PC if the user selects them (col. 6, lines 14-29). Providing customization software to a digital camera via an external device capable of changing camera features such as tone, color, or sharpness adjustments is well known and used in the art as shown by Steinberg. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of customizing a camera using software that is capable of changing camera features such as tone, color, or sharpness adjustments as taught in Steinberg in the digital camera coupled to a host computer as disclosed by Kare. Doing so would provide a means for customizing the user interface of a digital camera and entering graphics and text data to a camera through external means (col. 1, lines 65-67).

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Claims 44 and 55 rejected under 35 U.S.C. 103(a) as being unpatentable over Kare as applied to claims 42 and 53 and further in view of Nakajima EP 0998140.

Re claims 44 and 55, Kare discloses all of the limitations according to claims 42 and 53. However, the digital camera coupled to a host computer as taught by Kare fails to state that the camera customization software is provided by a Network Service Provider.

Nakajima discloses in figure 2c a digital camera that is capable of downloading a program including customization software provided by a Network Service Provider (col. 7, lines 37-43). Downloading customization software and programs for a digital camera via a modem is well known and used in the art as evidenced by Nakajima. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the digital camera capable of downloading customization software and programs via a modem as taught in Nakajima in the digital camera coupled to a host computer as disclosed by Kare. Doing so would provide a means for customizing the graphical user interface of a digital camera and providing a plurality of camera features that vary according to the current user of the camera. Thus allowing different users of the camera to create a graphical user interface that best suits their needs. Furthermore, the features may be provided by a variety of external sources since they can be accessed using an Internet Service Provider (col. 7, lines 37-43).

Claims 46, 57, and 64-65 rejected under 35 U.S.C. 103(a) as being unpatentable over Kare as applied to claims 45, 53 and 56 and further in view of Ogasawara US 6,512,919.

Re claims 46 and 57 Kare discloses all of the limitations according to claims 45, 53 and 56. However, the digital camera coupled to a host computer as taught by Kare fails to state that the host computer is provided in a retail establishment.

Ogasawara discloses in figure 1 a wireless videophone that is capable of downloading a program including customization software provided by a host computer in a retail establishment (col. 14, lines 37-49). Downloading customization software and programs from a host computer provided in a retail establishment is well known and used in the art as evidenced by Ogasawara. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the wireless videophone capable of downloading customization software and programs provided by a host computer in a retail establishment as taught in Ogasawara in the digital camera coupled to a host computer as taught by Kare. Doing so would provide a means for customizing the graphical user interface of a digital camera and providing a plurality of camera features that vary according to the current user of the camera. Thus allowing different users of the camera to create a graphical user interface that best suits their needs. Furthermore, the features may be purchased from a host computer that is provided in a retail establishment (col. 2, lines 62-67).

Re claim 64, the user provides a payment identifier specifying the account to be debited to pay for the selected features (col. 14, lines 44-49).

Re claim 65, the account is a credit card account (col. 14, lines 46-47).

Claims 47 and 58 rejected under 35 U.S.C. 103(a) as being unpatentable over Kare as applied to claims 42 and 53 and further in view of Aihara US 6,223,190.

Re claims 47 and 58 Kare discloses all of the limitations according to claims 42 and 53. However, the digital camera coupled to a host computer as taught by Kare fails to state the digital camera includes a memory card that stores the configured firmware.

Aihara discloses in figure 1 a digital camera (110) including a user interface (figs. 5A, 5B: 408)(col. 6, lines 39-59). The camera includes a removable memory card (354) that contains system files that can be downloaded to the camera (col. 11, lines 1-8). The graphical user interface is modified in response to input from a user and firmware is configured and stored in the digital camera to customize the user interface of the digital camera (col. 11, lines 13-36). Storing configured firmware of a digital camera on a removable memory card is well known and used in the art as evidenced by Aihara. Therefore, it would have been obvious for one skilled in the art to have been motivated to include the digital camera including a removable memory card for storing configured firmware of the camera as taught in Aihara in the digital camera coupled to a host

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computer as taught by Kare. Doing so would provide a means for customizing the graphical user interface of a digital camera and providing a plurality of camera features that vary according to the current user of the camera. Thus allowing different users of the camera to create a graphical user interface that best suits their needs. Furthermore, the features may be stored on a removable memory card so that they may be made available to the user (col. 11, lines 9-13).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gray et al. (US 6,185,491) discloses a networked vehicle controlling attached devices using javabeans. The information disclosed in this document regarding web-based graphical user interfaces is pertinent material.

Torres (US 6,564,282) discloses a method and system for increasing storage capacity in a digital image capture device. The information disclosed in this document regarding graphical user interfaces is pertinent material.

Anderson (US 5,903,309) discloses a method and system for displaying images and associated multimedia types in the interface of a digital camera. The information disclosed in this document regarding graphical user interfaces is pertinent material.

Pavley (US 6,445,460) discloses a method and system for providing and utilizing file attributes with digital images. The information disclosed in this document regarding graphical user interfaces is pertinent material.

Fellegara et al. (US 5,845,166) discloses a hybrid camera with identification matching of film and electronic images. The information disclosed in this document regarding a camera connected to a host computer is pertinent material.

Fellegara et al. (US 6,441,854) discloses a hybrid camera with identification matching of film and electronic images. The information disclosed in this document regarding a camera connected to a host computer is pertinent material.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kelly Jerabek whose telephone number is (703) 305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached at (703)-305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

The fax number for submitting all Official communications is (703) 872-9306.

The fax number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (703) 746-3059.

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PRIMARY EXAMINER